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SUBJECT: IAEA/SYRIA: SETTING THE STAGE FOR THE JUNE BOARD

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Classified By: Charge d'affairs Geoffrey R. Pyatt for reasons 1.4 b, d, h

Summary and Comment

¶11. (S) During a series of technical briefings on Syria May 16 and 19, following up on discussions during his Washington consultations, Ambassador Schulte canvassed Board member views on discussion of Syria in the June Board. Ambassador Schulte outlined U.S. objectives for the Board: to spotlight Syria's clandestine nuclear activities in violation of its safeguards agreement; to encourage and enable an IAEA investigation; and to strengthen the safeguards system through universal application of the Additional Protocol. Drawing on ref a, Ambassador Schulte explained the timing of U.S. disclosures on Syria, which was a key issue for many Board members. Almost all Board members (31 of 35) participated in these briefings, in addition to NAM troika members Egypt and Malaysia.

¶12. (S) The core like-minded group (EU3, Canada, Australia, Japan, New Zealand and Korea), will look to the DG's characterization of the Syrian case in his opening remarks to the June Board and favor discussion of Syria under "Any Other Business." The like-minded do not want to detract attention from Iran in the June Board and anticipate more substantive discussion of Syria in September, following a report from the Secretariat. Like-minded members also raised concern about potential blow back against Israel, and Syrian reactions in the Board. In a separate briefing, other EU and GRULAC members agreed with the premise of supporting the IAEA's investigation and calling for Syrian cooperation but awaited the independent assessment of the Secretariat on Syria. Several Board members, not limited to the Arab group/NAM, questioned whether the Secretariat's investigation would yield anything if Syria continued to stonewall. Board members also asked about the DPRK's reaction to the Syrian revelations.

¶13. (S) Arab group/NAM members were predictably critical of Israel and questioned whether the Syrian case would be on the Board/UNSC agenda at some juncture. Meeting privately with Ambassador Schulte, Russia was by far the most skeptical, arguing that the U.S. disclosures had unleashed a "dangerous process" that would backfire against Israel, which had violated international law, and the U.S. Overall, few technical questions were asked at the three briefings. No one directly contested the credibility of the information presented, including the April video presentation, which many had not seen.

¶4. (S) Based on these consultations, and without prejudice to forthcoming guidance, Mission does not see much room for maneuver on Syria in the June Board. We will continue to encourage supportive statements under "Any Other Business" to turn up pressure on Syria and to deflect Arab/NAM criticism. As compelling as U.S. technical presentations may be, the majority of the Board will look to the Secretariat's investigation and assessment for corroboration and political cover. Absent a report from the Secretariat, there would be little support for a special inspection or a Board resolution at this juncture. Even our closest allies do not anticipate Board action before September and seek to keep the focus on Iran in the June Board.

¶5. (S) In order to build momentum for eventual Board action on Syria, Mission will draw on existing public information to conduct a public diplomacy and outreach campaign to media and opinion leaders in key Board member countries. The objective is to put the spotlight on Syria's non-compliance and pressure Syria to cooperate with the IAEA. Among those most susceptible to such a message, Mission will focus on European fence-sitters (Ireland, Switzerland), influential GRULAC (Brazil, Mexico) and supportive NAM such as the Philippines. Mission will also consider approaches for outreach to more recalcitrant countries such as Russia and Egypt. End Summary and Comment.

Like-minded Supportive but Cautious

¶6. (S) Following his Washington consultations, Ambassador Schulte outlined U.S. objectives in the June Board on Syria in a May 16 briefing for like-minded counterparts (UK, Germany, Canada, Australia, Japan, New Zealand and Korea): to spotlight Syria's clandestine nuclear activities and violation of its Safeguards agreement; to encourage and enable an IAEA investigation; and to strengthen the safeguards system through universal application of the Additional Protocol (AP). On the last point, he noted that Syria was a textbook case of a clandestine nuclear program having gone undetected without an AP in place. Ambassador Schulte told the like-minded that he expected the DG to address Syria in his opening remarks to the Board but, in all likelihood, not under a separate agenda item. He hoped that the DG would focus on the Secretariat's investigation rather than on complaints about Israel and the U.S., as was the case with his April press statement. That statement, he noted, "got it wrong" as the obligation was on Syria under its Safeguards agreement, not the U.S. or Israel, to provide information to the Agency. He added that the Agency's role under the NPT was not "due process," as the DG's statement implied, but verification. Ambassador Schulte also explained the delay and timing of the release of this information to the IAEA, including initial concern about a Syrian reaction to the Israeli air strike and concerns related to the DPRK.

¶7. (S) Ambassador Schulte related next steps in the Board to U.S. objectives; he encouraged the like-minded to make statements of concern and support for the IAEA investigation, perhaps under "Any Other Business", to press Syria for an AP, and call for a DG report by the September Board. He also flagged concerns, shared by the like-minded, about a Syrian Board candidacy and asked them to consider alternatives. Australian Ambassador Shannon agreed that it was important to say something in the Board but the legal parameters of Syrian non-compliance, i.e. whether this was a breach of the Comprehensive Safeguards Agreement (CSA) or the Subsidiary Arrangements, and expectation of Syria need to be clearly set forth. He contemplated whether or not to call for a special inspection, and argued that we need to set the bar high on Syria, lest the Secretariat set it too low. (Note: Meeting separately, like-minded experts, including Australia, discounted any chance of getting a special inspection without a negative DG report on Syria. End note).

¶8. (S) UK Msnoff said London legal advisors saw Syria's activities as a prima facie breach of its CSA, arguably worse than that of Iran which had unilaterally reverted to an

earlier version of Code 3.1. He noted some anxiety about whether the Agency would find anything in Syria, given its current approach, and broader concern in London that the Agency follow up on information provided by a Member State. Australia shared this anxiety about the investigation and encouraged a rigorous approach, even if it meant digging up the site. Ambassador Schulte observed that the U.S. sought to support IAEA experts, and thereby disabuse any misrepresentations on the DG's part. He stressed that the immediate non-proliferation problem may have been "solved" but there was still a need to investigate this case of non-compliance.

¶19. (S) Canadian Ambassador Gervais-Vidricaire favored making Syrian statements at the end of the Board under "Any Other Business" so as to not detract from Iran, which should be the primary focus of the June Board. Ambassador Schulte agreed noting that the only other option would be under the "Safeguards Implementation Report" item, which would come up before the Iran agenda item. He also discouraged discussion of Syria under the DPRK agenda item and explained that the DPRK had not denied connections to Syria and pledged to cease proliferation activities, though vigilance would be needed.

¶10. (S) Japan advised that the Board discussion would depend on the DG's oral remarks and expressed concern about G-77 reaction and accusations against Israel. Ambassador Schulte observed that the objective would be to set a high standard for investigation and Syrian cooperation but not to provoke an Arab reaction. He reported that Israeli Ambassador Michaeli did not plan to engage on Syria in the Board. Citing the Syrian statement in the NPT Prepcom, Germany cautioned that we should be prepared for similar vitriol in the Board. German Charge Kemmerling agreed that much depends on the DG's presentation and favored deferring any interventions to AOB so that Board members had more time to analyze, coordinate and prepare statements.

¶11. (S) On technical issues, Germany asked for the distance the piping travels from the river to the reactor building, because the distance appeared far for such a critical component of the reactor. Msnoff replied that this is in keeping with Syria's efforts to conceal the reactor but did not have information on the exact distance. Australia privately asked why the briefing did not include details from David Albright's May 12 ISIS report on Syria. Australian Counselor noted specifically that plans for the ventilations system and the piping with reported electrical wiring from the water treatment plant to the reactor site were particularly compelling. Msnoff could not confirm these details in Albright's report.

UK and Russian Perspectives

¶12. (S) Separately on May 16, Ambassador Schulte previewed with UK Ambassador Smith, U.S. efforts to shine a spotlight on Syria in the Board and to seek a September report from the Secretariat. Smith hoped that the UK would be able to make a supportive statement in the Board to encourage the Secretariat's investigation. Some in London had considered calling for a special inspection, he advised, but doing so would entail greater risk if the DG was perceived as reluctant. Smith complained of laziness and complacency on ElBaradei's part. A reported comment by the DG to HMG advisor Baroness Williams in a May 9 meeting that he was unsure if there had been a reactor on the site, raised London's ire. He further noted Russia's unhelpful position on Syria in a May 6 lunch with Acting U/S Rood and the silence of the Arab group on the subject during the NPT Prepcom (despite the fact that Syria delivered the Arab statement). The UK also shared U.S. concerns about a Syrian Board candidacy and offered to intervene with the UAE, if it would help. Smith agreed that Kazakhstan would be a good fallback, though the Kazak Mission in Vienna is a bit overstretched with OSCE responsibilities.

¶13. (C) Russian Ambassador Zmeyevsky was equally circumspect in a one-on-one meeting with Ambassador Schulte May 19. He

noted the absence of international comment on the Israeli air strike in September 2007, including from his own government. Now, however, "through its disclosures, the U.S. has launched a dangerous process," one which could lead to more criticism of the U.S. and Israel than of Syria, he cautioned, recalling the 1981 Board resolution on the destruction of the Osirak reactor in Iraq. Zmeyevsky observed that Syria had not broken any international rules whereas the U.S. failed to report information to the IAEA and Israel violated international law by bombing a sovereign state in circumstances difficult to justify as self-defense.

Ambassador Schulte pushed back, citing Syria's violation of Code 3.1 and explained the timing of the U.S. disclosure, referring to the IAEA Statute's provision on sharing information (VIII.A) that "Each member should make available such information as would, in the judgment of the member, be helpful to the Agency." Zmeyevsky argued that the Secretariat should bring the issue of Syria to the Board and that the discussion would be all the more difficult if there is nothing significant to report.

Arab Board Members and NAM

¶14. (S) A second briefing was held on May 19 for Arab/NAM Board members (Algeria, Morocco, Iraq, Pakistan, Saudi Arabia, Ethiopia, Nigeria and South Africa were in attendance) as well as NAM troika members Egypt and Malaysia.

Ambassador Schulte underscored the need to encourage Syrian cooperation with the IAEA investigation and to ascertain there are no other undeclared nuclear activities in Syria. He noted that the Secretariat had found the U.S. information credible and also explained the reasons for delay in briefing the IAEA. He anticipated that the Secretariat would put Syria on the Board agenda at some point.

¶15. (S) Algerian Ambassador Feroukhi appreciated Ambassador Schulte's explanation of the delay in briefing this information to the IAEA. She questioned whether the issue could be included as an agenda item for the September Board if Syria did not provide access, and the Secretariat thus had nothing to report. (Note: During the briefing, she took particular note of the fact that Syria had denied the IAEA access in September 2007.) Feroukhi also stressed that if the reactor had not been destroyed, the IAEA would have more evidence that it was for military purposes. Pakistan likewise observed that instead of letting things go that far, allowing a country to go around bombing others, the IAEA could have been informed earlier. Ambassador Schulte reiterated the reasons for delay in briefing the IAEA, and stressed that the U.S. understood but did not endorse Israel's decision to bomb the facility.

¶16. (S) Egypt asked about the status of IAEA discussions with Syria and the potential for an agenda item at a future Board.

Ambassador Schulte did not expect the Secretariat to include an item on Syria in the June Board, but said that we would want one by September. Morocco asked about the potential for referral of Syria to the UN Security Council. Nuclear Counselor noted that the Board would be obligated to report Syria if there were a finding of non-compliance. Morocco and Pakistan also questioned whether the DPRK had admitted assistance to Syria. Ambassador Schulte clarified that the DPRK had been silent after the April disclosures of their involvement on Syria.

¶17. (S) Egypt raised technical issues as to whether additional information was presented to the IAEA and whether the U.S. has information on the existence of other elements of Syria's nuclear program, such as plutonium separation and fuel fabrication or acquisition. Ambassador Schulte responded that an IAEA investigation would seek to ensure there are no undeclared nuclear activities in Syria. He noted that we fully expect the IAEA to draw on parallels with North Korea's nuclear complex when examining Syria's undeclared nuclear activities.

¶18. (S) A final briefing was presented on May 19 to EU Board members (France, Finland, Ireland, Italy, Lithuania), Croatia, Albania, GRULAC Board members (Chile, Argentina, Brazil, Mexico, Ecuador), and Thailand and Philippines. Ambassador Schulte stressed the importance of supporting and enabling the Secretariat's investigation. He noted that the Secretariat had taken the U.S. information seriously and explained concerns that had affected the timing of its release. As with the core like-minded group, Ambassador Schulte encouraged statements under AOB on the need for Syrian cooperation and, in the longer term, implementation of an AP. He advised that the U.S. expected a DG report and agenda item by September.

¶19. (S) Finland acknowledged the Ambassador's explanation of the necessary delay in briefing the IAEA, calling it a "key issue," and stressed the importance of unconditional support for the Secretariat to preserve the Agency's professionalism and integrity. Although she did not have instructions, Finnish Ambassador Kauppi agreed on the need for Syrian cooperation and supported the AP as the verification standard. Brazil could also agree to support the Secretariat's investigation and underlined that it was crucial to get the inspectors' assessment. Brazil asked about the possibility of continued Syrian stonewalling and focused on the violation of Code 3.1. Philippines also questioned that if Syria refused access, what kind of report could the Secretariat provide to the Board? Ambassador Schulte acknowledged that without Syrian cooperation, it would be more difficult, though the Board could call for a special inspection as it had done in the case of DPRK. Mexico questioned whether Syria-DPRK cooperation had been established and its impact on the Six Party talks.

¶20. (S) Switzerland argued that Board members not privy to intelligence must wait for the Secretariat before becoming active on the Syrian dossier, which would take some time. Ambassador Schulte anticipated that Syria would be addressed in the DG's oral remarks; under AOB, Board members could press for Syrian cooperation with the Agency and the AP. He encouraged other states to provide the Secretariat any information they may have on Syria. DCM further cited the DG's April press statement which makes it clear that the Secretariat sees this as a serious matter, requiring investigation. Switzerland questioned what sort of explanation Syria could conceivably provide and whether it would be along the lines of Iran's "baseless fabrications."

¶21. (S) France, which had been unable to attend the core like-minded meeting, confirmed that the Secretariat was committed to a full, on-the-ground investigation. French Ambassador Deniau underlined that the key issue was the proliferation problem. The Secretariat had expressed its intention to investigate, he noted, and it was essential for the Agency process to work. Deniau expected that following the DG's oral report to the June Board, the Syrian issue would be addressed in substance in September. He highlighted Syria's violation of Code 3.1, and noted the precedent in the Iranian case. Brazil also underlined the importance of Code 3.1.

¶22. (S) Ireland shared concerns about any military nuclear activities in the Middle East and agreed on the need to support investigation of these "alleged" activities. Irish Ambassador Cogan asked to what extent the United States verified information from Israel and whether anything more was known about the existence of nuclear material. Ambassador Schulte replied that the U.S. went to great lengths to corroborate all the information obtained, including through observations of the facility after its destruction, and that the IAEA investigation would yield more answers on the existence of nuclear material and other questions. French DCM Gross also asked a number of technical questions: What incriminating equipment was removed after the site's destruction? What is the depth of the reactor vessel underground? Was the DPRK procuring equipment for a second

site other than Al-Kibar? Msnoff pointed to the video that shows specific equipment being removed from the reactor debris prior to the Syrian controlled demolition on October 10, 2007, but did not have additional details. Msnoff did not have measurements on the depth of the reactor and did not have additional information on sites other than Al-Kibar for which North Korea was assisting with procurements of equipment.

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